

To: Mayor Joseph H. Sauer and Members of the Common Council

Re: Minutes of the Common Council Meeting held August 1, 1989.

The meeting was called to order at 8:00 P.M. by Mayor Joseph Sauer who led the assembly in the Pledge of Allegiance. Councilman Esposito offered the Prayer. Roll Call was taken with the members being recorded as:

Present - Bourne, Connell, Gallo, Moran, Renz, Esposito, Farah, Flanagan, Zotos, Cresci, Nimmons, Fazio, Shaw, Cassano, Charles, Bundy, Butera, DaSilva, Eriquez, Regan.

Absent - Danise

20 Present - 1 Absent

Mayor Sauer offered congratulations to Councilman DaSilva on his birthday on August 1st. He also offered congratulations to Councilman Steven Flanagan and his wife Joyce on the occasion of their 9th wedding anniversary to be celebrated on August 9th and to Councilman Gene Eriquez and his wife Marta on the occasion of their 12th wedding anniversary to be celebrated on August 20, 1989.

CONSENT CALENDAR - Mr. Nimmons offered the following items for the consent calendar:

- 2 - Resolution - Governor's Initiative to Prevent Student Alcohol and Drug Abuse
- 3 - Resolution - W.I.C. Program
- 4 - Resolution - Financial Assistance to Local Housing Authorities
- 6 - Resolution - Oakland Avenue Drainage Easement
- 11 - Communication - Appointment to the Richter Park Authority
- 12 - Communication - Appointment to the Environmental Impact Commission
- 13 - Communication - Appointment to the Housatonic Valley Tourism Commission
- 19 - Communication - Request for reimbursement of towed automobile
- 20 - Communication - Tarrywile Park Authority - Rent Collection
- 32 - Communication - Report on Claim of Charlotte Shearer from Corporation Counsel
- 36 - Report - Request for Water Extension - 13 Belmont Circle
- 37 - Report - Request for Sewer Extension - 75 Padanaram Road
- 39 - Report - Time Extensions, Sewer & Water Woodland Construction Terrace Heights Subdivision
- 40 - Report - Curfew at Rogers Park
- 41 - Report - Lot #103, 103 Lakeview Avenue
- 42 - Progress Report - Hispanic Cultural Society
- 43 - Progress Report - Request for Sewer Extension, Southern Boulevard and Terre Haute Road

Mr. Charles made a motion to accept the consent calendar with the deletion of item 20. Seconded by Mr. Connell. Motion carried unanimously.

MINUTES - Minutes of the Common Council Meeting held July 6, 1989 and the Special Common Council Meeting held June 29, 1989. Mr. DaSilva made a motion to accept the minutes as presented and waive the reading of same as all members have copies which are on file in the Office of City Clerk for public inspection. Seconded by Mr. Moran. Motion carried unanimously.

1 - ORDINANCE - An Ordinance appropriating \$2,400,000 for the Planning Acquisition and Construction of a public Parking Garage and Authorizing the issuance of \$2,400,000 bonds of the City to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purpose. Mr. Connell asked that this be deferred to public hearing. Seconded by Mr. Moran. Motion carried unanimously.

2 - RESOLUTION - Governor's Initiative to Prevent Student Alcohol and Drug Abuse.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the prevention of and early intervention in cases of alcohol or drug abuse among high school students is in the best interests of the City of Danbury; and

WHEREAS, the City of Danbury wishes to continue the Student Assistance Program at Danbury High School for that purpose; and

WHEREAS, the State of Connecticut is authorized to make grant funds available for said purpose; and

WHEREAS, the City of Danbury wishes to obtain a grant in an amount not to exceed \$5,460.00 to cover the costs of continuing said program; and

WHEREAS, it is in the best interests of the City of Danbury that said funds be authorized for use by and provided to the Midwestern Connecticut Council on Alcoholism by virtue of an agreement with the Danbury School System for purposes of effectuating this program;

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to make application for said grant and to enter into and amend any necessary contract with the State of Connecticut if such a grant is offered to the City of Danbury; and

BE IT FURTHER RESOLVED THAT the Mayor of the City of Danbury be and hereby is authorized to take any additional action necessary to accomplish the purposes hereof.

The Resolution was adopted on the Consent Calendar.

3 - RESOLUTION - W.I.C. Program

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the State of Connecticut Department of Health Services through the U.S.D.A. has made grant funds available from October 1, 1988 through September 30, 1989 to full-time local health departments to be used for the Women, Infants, Children's Supplemental Nutrition Program; and

WHEREAS, the City of Danbury through the Danbury Health Department has formulated a W.I.C. Program for Danbury area residents; and

WHEREAS, an amended grant award of up to \$136,130.00 has been processed by the Danbury Health Department; and

WHEREAS, the State of Connecticut Department of Health Services has approved and funded the amended grant proposal;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the actions of the Danbury Health Department in applying for the said amended grant be and hereby are ratified and that any and all further actions by the Danbury Health Department required to accomplish said program be and hereby are authorized.

BE IT FURTHER RESOLVED THAT to accomplish said program the Mayor of the City of Danbury is authorized to make, execute and approve on behalf of the City of Danbury any and all contracts or amendments thereof with the State of Connecticut Department of Health Services.

The Resolution was adopted on the Consent Calendar.

4 - RESOLUTION - Financial Assistance to Local Housing Authorities.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, pursuant to Chapters 128, 129, 130 and 133 of the Connecticut General Statutes, the Commissioner of Housing is authorized to extend financial assistance to local housing authorities, municipalities and non-profit corporations; and

WHEREAS, it is desirable and in the public interest that the City of Danbury make application to the State for financial assistance under Section 8-216b of the General Statutes in order to undertake a program of Payment-in-Lieu-of-Taxes and to execute an Assistance Agreement therefor;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY:

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapters 128, 129, 130 and 133 of the Connecticut General Statutes.
2. That the filing of an application by the City of Danbury in an amount not to exceed \$239,277.07 is hereby approved and that the Mayor of the City of Danbury is hereby authorized and directed to execute and file such application with the Commissioner of Housing, to provide such additional information, to execute such other documents as may be required by the Commissioner, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an Agreement is offered, to execute any amendments, recisions and revisions thereto, and to act as the authorized representative of the City of Danbury.
3. That in consideration of said Assistance Agreement applicant does hereby waive any payments-in-lieu-of-taxes by the Housing Authority of the City of Danbury under the provisions of Section 8-71 of the Connecticut General Statutes.
4. That the current established mill rate is 16.98 and the current assessment is 70% of market value.
5. It is also resolved that any prior action taken by the Mayor of the City of Danbury with respect to this Agreement is also approved.

The Resolution was adopted on the Consent Calendar.

5 - RESOLUTION - Interweave Grant.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Administration on Aging of the United States Department of Health and Human Services in accordance with Title III of the Older Americans Act, through the Connecticut Department on Aging, in accordance with Sections 17-137(c)(d) of the Connecticut General Statutes and through the Western Connecticut Area Agency on Aging, Inc. has made available funds to public agencies; and

WHEREAS, the Department of Elderly Services has processed a grant application for funds in an amount not to exceed \$30,000.00 for Interweave, the Danbury Adult Day Care Center, for the period January 1, 1990 through December 31, 1990;

NOW, THEREFORE, BE IT RESOLVED THAT the actions of the Department of Elderly Services in applying for said grant be and hereby are ratified and that any and all additional acts by the Department of Elderly Services and the Mayor of the City of Danbury necessary to effectuate the purposes hereof be and hereby are authorized.

Mr. Gallo asked that this be referred to committee. Mayor Sauer so ordered and appointed Council Members Connell, Cresci and Zotos to the committee.

6 - RESOLUTION - Oakland Avenue Drainage Easement.

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Common Council wishes to alleviate an existing drainage problem on Oakland Avenue Extension; and

WHEREAS, this project will oblige the City of Danbury to acquire interests in and to real property as hereinafter set forth; and

WHEREAS, eminent domain proceedings will be necessary if the City of Danbury cannot agree with the property owners hereinafter named upon the amount, if any, to be paid for the respective interests of each to be taken in and to the real property as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF DANBURY THAT the Corporation Counsel of the City of Danbury is hereby authorized to acquire the property interests as hereinafter set forth either by negotiation or by eminent domain through the institution of suits with respect to the following property and owners thereof, their successors and assigns and their respective mortgage holders, if any; the affected property being indicated by the legal description attached hereto and designated Schedule A.

The Resolution was adopted on the Consent Calendar.

7 - COMMUNICATION - Letter from Fire Chief Lagarto requesting permission to accept a donation of \$1,000 from the Davis & Geck Company. Mr. Moran made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Renz. Motion carried unanimously.

8 - COMMUNICATION - Letter from Betsy McConough asking permission to accept a donation of \$60 from IBM. Mr. Connell made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Renz. Motion carried unanimously.

9 - COMMUNICATION - Letter from Leo McIlrath asking permission to accept a donation to the Department of Elderly Services from the Danbury Housing Authority in the amount of \$690. Mr. Connell made a motion to accept the donation and send a letter of thanks. Seconded by Mr. Renz. Motion carried unanimously.

10 - COMMUNICATION - Letter from Parks and Recreation Director Robert Ryerson asking permission to accept a donation in the amount of \$200 from the Mad Hatters Square Dance Club. Mr. Cresci made a motion that the donation be accepted and a letter of thanks sent. Seconded by Mr. Renz. Motion carried unanimously.

11 - COMMUNICATION - Letter from Mayor Sauer appointing Edward W. Fusek to the Richter Park Authority for a term to expire 9-1-90. The appointment was confirmed on the Consent Calendar.

12 - COMMUNICATION - Letter from Mayor Sauer appointing Elizabeth A. Merrihew as an alternate to the Environmental Impact Commission for a term to expire 12-1-90. The appointment was confirmed on the Consent Calendar.

13 - COMMUNICATION - Letter from Mayor Sauer reappointing Mary Ann Frede and Patricia Frisaro to the Housatonic Valley Tourism Commission for terms to expire 6-30-92 and appointing Murray L. Dow to the commission for a term to expire 6-30-91. The appointments were confirmed on the Consent Calendar.

- 14 - COMMUNICATION - Request for Funds for start-up administrative costs for Housing Authority - WITHDRAWN.
- 15 - COMMUNICATION - Request for advance to meet contractual obligation for CACD. WITHDRAWN.
- 16 - COMMUNICATION - Request for funds to repair roof at Fire Headquarters. WITHDRAWN.
- 17 - COMMUNICATION - Letter from Health Director William J. Campbell requesting that an appropriation of \$4,879 be made from the City's Contingency Account to the Health and Housing Department's Per Capita Grant Account. Mrs. Butera asked that this be referred to an ad hoc committee and the Director of Health. Mayor Sauer so ordered and appointed Council Members Bundy, Moran and Butera to the committee.
- 18 - COMMUNICATION - Transfer of Line Items - Tarrywile Park Authority. WITHDRAWN.
- 19 - COMMUNICATION - Letter from Jeffrey Stern requesting reimbursement for his automobile which was towed by Johns Auto on request of the Police Department. The communication was accepted on the Consent Calendar.
- 20 - COMMUNICATION - Letter from Paulette Pepin, Chairman of the Tarrywile Park Authority requesting the Common Council to assign to the Authority the future rental payments from 21 Brushy Hill Road and the Montessori School. Mrs. Bourne made a motion to grant the request. Seconded by Mr. Moran. Mr. Gallo asked Attorney Gottschalk if the method spelled out in his letter is the best way to handle this. Mr. Gottschalk said that his letter was in error. Motion carried with Mr. Gallo voting in the negative.
- 21 - COMMUNICATION - Lease of property on Boughton Street for the Police Department. Mr. Connell made a motion that the lease be approved. Seconded by Mr. Cresci. Mr. Shaw asked what the size of the property is and who pays the taxes. Mr. Gottschalk could only estimate that the property holds 30 cars and the City pays the taxes. Mr. Renz asked that this be sent to a committee. Mayor Sauer appointed Council Members Renz, Connell and DaSilva to the committee along with the Police Chief and Corporation Counsel.
- 22 - COMMUNICATION - Letter from Mayor Sauer regarding acquisition of land for the West Side Fire Station. Mrs. Butera asked that this be referred to an ad hoc committee, the Fire Chief and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Shaw, Connell and DaSilva to the committee.
- 23 - COMMUNICATION - Letter from Sigrid Benyei, Chairman of the Commission on Aging regarding tax deferrals for the elderly. Mayor Sauer stated that the letter implied that no action had been taken on this previously, but that is not so as many people have been working on it. Mr. Shaw stated that the Tax Assessor had done a survey and most of the respondees were not in favor of this proposal. Mr. Moran made a motion to return this to the existing committee. Seconded by Mr. Connell. Motion carried unanimously.
- 24 - COMMUNICATION - Request from Assistant Corporation Counsel Eric Gottschalk requesting that a committee be established to review statutory amendments to the Building Code Inspection Requirements. Mrs. Bourne asked that this be referred to an ad hoc committee, the Corporation Counsel, the Building Inspector and the City Engineer. Mayor Sauer so ordered and appointed Council Members Moran, Nimmons and Flanagan to the committee.
- 25 - COMMUNICATION - Maintenance and Repair of Marjorie Manor Road. WITHDRAWN.
- 26 - COMMUNICATION - Letter from Andrew Gibbs requesting permission to purchase City owned land on Virginia Avenue. Mr. DaSilva asked that this be referred to the City Engineer, Corporation Counsel and the Planning Commission for a report back in thirty days. Mayor Sauer so ordered.

27 - COMMUNICATION - Request of Joseph Russo, Jr. for Sewer Extension (extension of time) at 109 Park Avenue. Mr. Cresci asked that this be referred to an ad hoc committee, William Buckley and Jack Schweitzer. Mayor Sauer so ordered and appointed Council Members Cresci, Bourne and Buckley to the committee.

28 - COMMUNICATION - Request of R. J. Gallagher, Inc. for Sewer Extension at DePalma Lane. Mrs. Butera asked that this be referred to an ad hoc committee, William Buckley, Jack Schweitzer and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Regan, Bundy and Charles to the committee.

29 - COMMUNICATION - Request of Anthony DaCunha, Sr. for Sewer and Water Extension at Lombardi and Concord Streets. Mrs. Butera asked that this be referred to an ad hoc committee, Jack Schweitzer, William Buckley and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Cresci, Danise and Farah to the committee.

30 - COMMUNICATION - Request from Stew Leonard's for Water Extension at 99 Federal Road. Mrs. Butera asked that this be referred to an ad hoc committee, William Buckley, Jack Schweitzer and the Planning Commission. Mayor Sauer so ordered and appointed Council Members Renz, Nimmons and Gallo to the committee.

31 - COMMUNICATION - Report from Dennis Elpern regarding renumbering of South Street. Mrs. Bourne asked that this be deferred to public hearing. Mr. DaSilva asked that it be referred to an ad hoc committee and the Planning Director. Mayor Sauer so ordered and appointed Council Members Bourne, Danise and Esposito to the committee.

32 - COMMUNICATION - Report from Attorney George Sakellares on the claim of Charlotte Shearer stating that the City is not liable in this matter. The communication was accepted on the Consent Calendar.

33 - DEPARTMENT REPORTS - Public Works, Parks and Recreation, Police, Fire Chief, Fire Marshall, Health Department, Airport, Building. Mr. DaSilva made a motion that the department reports be accepted and the reading waived as all members have copies which are on file in the Office of the City Clerk for public inspection. Seconded by Mr. Moran. Motion carried unanimously.

34 - REPORT - Neighborhood Assistance Act.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the Neighborhood Assistance Act Program met on July 26, 1989 at 11:30 A.M. in Room 432 in City Hall. In attendance were committee members Regan, Gallo and Danise. Also present was Diana Burgos.

Mrs. Burgos explained that in order for a non-profit organization to qualify for the Neighborhood Assistance Program, our legislative body must hold a public hearing and vote to approve the specific programs. When a non-profit organization is qualified they can solicit charitable donations from corporations who will receive up to 60% tax credit on their donations.

Mr. Gallo made a motion to recommend that the Common Council approve the specific project proposals submitted by various non-profit organizations for inclusion in the 1989 Neighborhood Assistance Act Program. Seconded by Mrs. Danise. Motion carried unanimously.

Mr. DaSilva made a motion that the report be accepted and deferred to public hearing. Seconded by Mr. Moran. Motion carried with Mr. Shaw voting in the negative.

35 - REPORT - Waste to Energy Incineration Project.

Mr. Nimmons submitted the following report:

The Common Council met as a committee of the whole on July 17, 1989 at 7:30 P.M. in the Common Council Chambers.

Mr. Flanagan opened the discussion by asking Mr. Cech if there had been any new developments since the last vote. Mr. Cech responded that HRRA was considering dropping Danbury and Brookfield from the project. Mr. Flanagan asked if a site for the incinerator had been chosen. Mr. Cech replied that the state would prefer a local region spend the dollars necessary to make a site selection. HRRA has stopped site selection since Danbury voted down the proposed \$825,000 commitment.

Mr. Gallo asked what would happen if the communities who had not committed were removed from HRRA. Mr. Cech responded that at least 9 towns had committed some form of financing. He continued to say that Danbury faced the problem that the landfill would be usable for approximately two more years.

Mr. DaSilva brought up the issues of recycling paper, saleable compost and toxic waste. Lois Haggan from the DEP spoke on these issues. Mr. DaSilva asked if ERS had filed for any permits yet. Mr. Cech replied that to his knowledge no permits had been applied for as yet.

Mr. Esposito asked what will happen in the event Danbury does not pay the \$825,000. Mr. Cech replied that Danbury will probably be out of HRRA and could stand to lose millions in tax credit money. Danbury would also have to build a transfer station and find a place to get rid of waste.

Mr. Cresci asked if front end separation was too expensive to be cost effective and what will be the final cost for the plant. Mr. Cech said he estimated roughly 150 million dollars.

Mr. Farah spoke on global warming. It was his concern that in building an incinerator and using burn technology that Danbury would be adding to an already urgent problem.

Mr. Moran read a letter from William Reilly, Director of the DEP. The letter stated that currently waste ash was a major concern. Mr. Moran then asked if Danbury should consider recycling first. Mr. Moran also asked what the tipping fee is at ERS. Tim Weins responded by saying that the tipping fee currently is \$79.50 a ton with a 25 year contract to include a 5% yearly increase and the cost of transportation.

Mr. Eriquez asked if the state required curbside recycling. John England said that the state does not.

Mrs. Bourne made the following motion:

"I move that we recommend to the full Common Council no pledging of funds toward the development phase of a regional Waste to Energy Incineration Project." Seconded by Mr. Moran.

Mr. Eriquez asked how the proposed \$825,000 would be raised. Mr. Cech said that it could be raised through tipping fees at the landfill.

Mr. Charles asked how much surplus there was in the budget for this project. Mr. Cech replied that there was no surplus as such, only a \$25,000 contingency.

Mrs. Butera asked Mr. Weins if ERS could live up to their 25 year contract should ERS have financial difficulties and possibly go out of business. Mr. Weins said that the contract would be safe as ERS has insurance to cover such an event.

Mr. Bundy suggested that if the state was still willing to invest money in research of non-burn technology then that must still be an option to consider. He also pointed out that there would be no way for the City of Danbury to recover the \$825,000.

Motion carried with the members voting as follows:

Yes - Bourne, Gallo, Moran, Farah, Flanagan, Zotos, Cresci, Nimmons, Shaw, Bundy, Butera, Regan.

No - Esposito, Charles, Danise, DaSilva, Eriquez.

12 Yes - 5 no.

Mr. Moran made a motion that the report be accepted. Seconded by Mr. Moran. Mr. Renz spoke on a communication regarding the flow control ordinance. Mr. Nimmons stated that there are two separate issues involved and he made a motion to move the question. Seconded by Mr. Moran. Motion carried with Council Members Renz, Shaw, DaSilva and Eriquez voting in the negative. Main motion carried with the members voting as follows:

Yes - Bourne, Connell, Gallo, Moran, Farah, Flanagan, Zotos, Cresci, Nimmons, Fazio, Cassano, Charles, Bundy, Butera, Regan.

No - Renz, Esposito, Shaw, DaSilva, Eriquez.

15 Yes - 5 No.

36 - REPORT - Request for Water Extension - 13 Belmont Circle.

Mr. Moran submitted the following report:

The ad hoc committee appointed to review the petition for water extension at 13 Belmont Circle met in Room 432 in City Hall on July 19, 1989 at 7:45 P.M. In attendance were committee members Moran and Butera. Also in attendance were William Buckley, Howard Rubinow III, and Council Member Charles, ex-officio.

Mr. Rubinow opened the meeting by stating that this petition had been granted earlier but due to circumstances beyond their control the project could not be started within the 18 month time limit and were simply looking for an extension of time in order for the project to be completed this summer.

Mrs. Butera made a motion that this committee recommend to the Common Council that since the plans have been completed and approved by the City Engineer that this petition be granted. Seconded by Mr. Moran. Motion carried unanimously.

The report was accepted on the Consent Calendar.

37 - REPORT - Request for Sewer Extension - 75 Padanaram Road.

The committee regarding the above captioned matter met on July 19, 1989. In attendance were Committee Members Moran and Butera. Also in attendance were William Buckley and Councilman Charles, ex-officio.

It is the recommendation of this committee that the petition be granted with the following conditions and restrictions:

1. The petitioner shall bear all costs relative to the installation of said sewer line.

2. The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.

3. Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.

4. If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.

5. That upon completion of installation, title to said sewer line within City streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.

6. The petitioner shall convey ownership of and easements to all or such portions of the sewer lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.

7. No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended sewer lines.

8. This approval shall expire eighteen (18) months following the date of Common Council action.

Also, the petitioner shall pay for a sewer line extending from the west side of Route 37 to the east side of Route 37 and two stubs be placed, one facing north and one facing south and a new manhole be put in place, plus a connecting line to the house and that the petitioner shall acquire all easements and submit plans pending approval of the Department of Public Utilities. Seconded by Mr. Moran. Motion carried unanimously.

The report was accepted on the Consent Calendar.

38 - REPORT - Request for Water Extension - Meadowbrook Road.

Mr. Cresci made a motion to add a 9th step to the report which had previously been voted on. The step is that the City will supply 200 feet of pipe and a fire hydrant which the petitioner will pay to have installed. Seconded by Mr. Moran. Motion carried with the members voting as follows:

Yes - Moran, Esposito, Farah, Zotos, Cresci, Nimmons, Cassano, Charles Bundy, Butera, DaSilva, Regan.

No - Bourne, Connell, Gallo, Renz, Flanagan, Fazio, Shaw, Eriquez.

12 Yes - 8 No - Motion carried.

39 - REPORT - Times Extensions, Sewer & Water, Woodland Construction Terrace Heights Subdivision.

Mrs. Bourne submitted the following report:

The committee charged to review the above met on July 19, 1989, at 7:16 P.M. in the fourth floor lobby of City Hall. In attendance were committee members L. Bourne and J. DaSilva. B. Connell was unable to attend. Also attending were Attorney Neil Marcus representing the petitioner; and Sup. of Public Utilities, William Buckley.

Atty. Marcus explained that Woodland Construction is the new owner of the above 10-lot subdivision and that previously the City of Danbury granted approval to the prior owner of the property to allow the extension of municipal water and sewer lines to service the subject property. The approval of the extension for sewer expired on 8/3/88; and water on 11/5/88. Additionally, the petitioner is requesting for the first time an additional sewer and water extension for an 11th lot. These items are outlined in a Planning Department obtained map entitled, "Resubdivision Map, Terrace Heights - Lot 9, Danbury, CT; Scale 1"=40'; Total Area: 0.966 AC; Zone: RA-20; November 30, 1988; by Paul M. Fagan, dated 11/30/88."

Mr. Buckley said that he had no problem with either the old or new request.

The Planning Commission at its meeting of June 21, 1989, voted a positive recommendation as in regards to the extension of time for the original extension. As such, Mr. DaSilva moved to recommend approval for extension of time for the original sewer and water extension. Seconded by L. Bourne. Passed unanimously.

As the Planning Commission has not made a recommendation for the 11th lot, Mr. DaSilva made the following motion: Moved to recommend approval of the sewer and water continuation pending Planning Commission approval subject to Woodland Construction adhering to the following eight steps:

- (1) The petitioner shall bear all costs relative to the installation of said sewer and water extension.
- (2) The petitioner shall submit as-built drawings of this extension, prepared by a licensed Connecticut Land Surveyor, for approval by the City Engineer.

- (3) Detailed Engineering Plans and Specifications are to be approved by the City Engineer and the Superintendent of Public Utilities prior to the start of construction.
- (4) If required, a Warranty Deed in a form satisfactory to the Corporation Counsel shall be executed by the petitioner conveying to the City, all right, title, interest and privileges required hereunder, and said Deed shall be held in escrow for recording upon completion of installation.
- (5) That upon completion of installation, title to said sewer and water line within City streets, and any necessary documents be granted to the City in a form which is acceptable to the City Engineer and Corporation Counsel.
- (6) The petitioner shall convey ownership of and easements to all or such portions of the sewer and water lines as the City Engineer's Office determines are of potential benefit to other landowners in the City.
- (7) No Certificate of Occupancy shall be issued until the above requested forms, documents, plans, etc. are received and the City owns the extended sewer and water lines.
- (8) This approval shall expire eighteen (18) months following the date of Common Council action.

The report was accepted on the Consent Calendar.

40 - REPORT - Curfew at Rogers Park.

Mr. Connell submitted the following report:

The ad hoc committee appointed to review the curfew at Rogers Park met on Thursday, July 20, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Connell and Flanagan. Also attending were Council Members Fazio, Danise, Charles and Moran, Lt. Sullo from the Police Department and residents from the Glen Apartments.

Discussion followed with Mr. Fazio suggesting that resident permits for parking lots be looked into by Mr. Ryerson and that the Engineering Department along with the Traffic Engineer study the possibility of making Rogers Park by the Pond a dead end.

It should be noted that at the last meeting of May 17, 1989 the following recommendations were made and completed with No Parking signs and curfew signs installed. Lt. Sullo stated that repainting both sides of the street will take place in a couple of weeks.

Mr. Flanagan made a motion that Mr. Ryerson propose establishing residency permits for parking in Rogers Park from May 15, to September 15 and also have the Engineering Department along with the Traffic Engineer look into redefining Rogers Park Road by the Glen Apartments to limit traffic beyond the Junior High School. Seconded by Mr. Connell. Motion carried unanimously.

The report was accepted on the Consent Calendar.

41 - REPORT - Lot #103, 103 Lakeview Avenue.

Mr. Moran submitted the following report:

The ad hoc committee appointed to review Lot #103, 103 Lakeview Avenue met in Room 432 in City Hall on July 19, 1989 at 7:00 P.M. In attendance were committee members Moran and Charles. Also in attendance was William Buckley, Eric Gottschalk, Esq., and Samuel T. Rost, Esq.

Mr. Buckley was not on the original call for this committee but had requested that he be informed of the date prior to the meeting since he had knowledge of pending State requirements which would be valuable to the committee's recommendation to the Common Council. Mr. Moran recognized the fact that Mr. Buckley and Mr. Schweitzer had conferred on this matter. Mr. Buckley stated that both Public Utilities and the Engineering Department felt that it would be in the best interest of the City of Danbury to acquire this land based upon possible future State requirements to assume control of private utility services where they cannot maintain their service in a timely manner.

Mr. Charles made a motion that this committee recommend to the Common Council that the City of Danbury accept the land, retain said property for future use and that all documents be referred to the Corporation Counsel and the Attorney for the donor. Seconded by Mr. Moran. Motion carried unanimously.

The report was accepted on the Consent Calendar.

42 - PROGRESS REPORT - Hispanic Cultural Society.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the request of the Hispanic Cultural Society to carry over money under spent from the 1987-88 grant into fiscal year 1989-90 met on July 3, 1989 at 11:00 A.M. in Room 432 in City Hall. In attendance were committee members Regan, Flanagan and Bundy. Also in attendance were Dominic Setaro and Diana Burgos.

Mr. Setaro explained that of the \$4,942.62 extra monies supposedly left over, \$3,000 has been allocated for payment of an audit.

Mrs. Burgos had a letter which stated that the Hispanic Cultural Society had spent \$33,180 leaving \$6,820 of their grant unspent. The reason for this was that one job position was not filled.

Mr. Flanagan made a motion to table any action until a year end audit is available. Seconded by Mr. Regan and passed unanimously.

The progress report was accepted on the Consent Calendar.

43 - PROGRESS REPORT - Request for Sewer Extension, Southern Boulevard and Terre Haute Road.

Mr. Regan submitted the following report:

The ad hoc committee appointed to review the request for sewer extension at Southern Boulevard and Terre Haute Road met on July 19, 1989 at 6:30 P.M. in Room 432 in City Hall. In attendance were committee members Regan and Zotos. Also attending were William Buckley, Neil Marcus, Esq., and Council Members Moran and Charles, ex-officio.

Mr. Buckley explained that the requested sewer extension is outside the area the City sewer system is designed to service. He also stated that for health, safety and environmental reasons this area should be serviced with City water and sewer. Mr. Buckley suggested that the committee approve a gift from the developer of up to \$2,000 to pay for a study to determine the improvements needed to the sewer system to service this area. This study is needed by Mr. Buckley to make an accurate report to both the Planning Commission and the developer on improvements needed to the existing sewer lines to service this area.

Mr. Buckley explained that the Planning Commission is waiting for his report before they make a recommendation. If the developer does not pay for the study he would have to pay for it out of sewer fund money.

Mr. Zotos made a motion to table this matter until the committee receives a report from the Planning Commission. Seconded by Mr. Regan. Motion carried unanimously.

The progress report was accepted on the Consent Calendar.

44 - PROGRESS REPORT - Parking Garage Referendum.

Mrs. Bourne submitted the following report:

The committee charged to review the above met on July 19, at 7:30 P.M., in the Fourth Floor Lobby of City Hall. In attendance were: Committee Members, L. Bourne and J. DaSilva (M. Danise could not attend); Acting Director of Finance, D. Setaro, and Assistant Corporation Counsel, E. Gottschalk.

The Chair began the meeting by stating that a notice had been mailed to the Parking Authority members calling for this meeting on July 11th. On July 18th, the Parking Authority Executive Director called the chair to ask that the meeting be cancelled (see letter attached), due to the authority awaiting updated financial projections from their accounting firm, and also that several board members were unable to attend.

In order for this issue to go before the voters in November, the Council must adopt an ordinance 60 days prior to the election. At the meeting it was expressed that the Board's reasoning to await updated projections was not a valid reason for not meeting with the subcommittee. Mr. DaSilva recommended that the subcommittee give alternative dates to the Parking Authority. After the checking of all calendars the dates of 7/27, 8/1, or 8/2 were recommended. The Parking Authority has as of July 25, turned down the 7/27 date. (please see letter attached from subcommittee chairman).

Per D. Setaro, bond counsel has advised that due to the fact that City Trust will have more than 10% of the allotted garage spaces, the bond issue fails the tax-exempt test which means that the bonding percentage rates will be higher.

In conclusion there has been no progress to date on this issue, for without the Parking Authority's cooperation and willingness to sit down, negotiate and discuss the issue, this project cannot and will not move further.

Mr. Nimmons made a motion that the report be accepted. Seconded by Mr. Renz. Mrs. Bourne stated that this must be resolved by the September meeting of the Common Council and because she has not received any cooperation in setting up a meeting with the Parking Authority she asked that the entire Council work together to resolve this issue. This was in the form of a motion. Mr. Renz made a motion to move the question. Seconded by Mr. Charles. Motion failed with the members voting as follows:

Yes - Connell, Renz, Esposito, Nimmons, Fazio, Cassano, Bundy

No - Bourne, Gallo, Moran, Farah, Flanagan, Cresci, Shaw, Charles, Butera, DaSilva, Regan.

Abstain - Zotos.

8 Yes - 11 no - 1 abstention.

Mr. Moran made a motion that this be referred to a Committee of the Whole. Seconded by Mrs. Bourne. Motion carried with Council Members Cresci, Eriquez and Butera voting in the negative.

Mrs. Bourne announced that Mrs. Danise was on emergency Family business in Boston.

45 - REPORT - Scale House Lease. Mr. Connell made a motion to add this to the agenda. Seconded by Mr. Moran. Motion carried with Members Butera and Cresci voting in the negative.

Mr. Shaw submitted the following report:

The Common Council Committee appointed to review a lease for the Scale House met on July 27, 1989 at 7:30 P.M. in Room 432 in City Hall. In attendance were committee members Shaw and Zotos. Also attending were Melice Plain and Rick Gottschalk, Esq.

After discussion Mr. Zotos made a motion to recommend approval of a ten (10) year lease at \$1 per year. The Downtown Special Services District will be responsible for utilities. Mr. Gottschalk said that scheduled use of the building as a tourist information center would have negligible effect on the City's present liability insurance. The lease further stipulates that if this Downtown Special Services District should dissolve, the remainder of the lease would be null and void. Motion was seconded by Mr. Shaw. Motion carried unanimously.

Mr. Renz made a motion that the report be accepted and the lease approved. Seconded by Mr. Moran. Mrs. Butera asked about parking and stated that the liability will be tremendous. Mr. Shaw stated that according to Felice Plain there is parking for four cars. Mr. Renz made a motion to suspend the rules to allow Felice Plain to address the Council. Seconded by Mr. Connell. Motion carried with Members Cresci and Esposito voting in the negative. Ms. Plain explained the parking situation.

Mr. Shaw asked the Corporation Counsel to explain Schedule A of the lease. Mr. Gottschalk stated that it is a triangular parcel. Mr. Flanagan offered an amendment to state that the lease would be approved contingent upon Planning Commission approval. Seconded by Mr. Eriquez. Motion to amend carried with Members Cresci and Esposito voting in the negative.

Mr. Farah asked if the City could be held liable in the case of an accident. Mr. Gottschalk stated that it would be possible.

Mrs. Butera asked that this be referred back to the original committee the Planning Commission, the Traffic Engineer and the City Engineer. Seconded by Mrs. Bourne. Motion carried with Mr. Eriquez voting in the negative.

46 - REPORT - Paramedic Contract. Mr. Connell made a motion that this be added to the agenda. Seconded by Mr. Fazio. Motion carried with Member Butera and Cresci voting in the negative.

Mr. Fazio submitted the following report:

The Committee appointed to review the agreement between Business Systems Inc., an affiliate of Danbury Hospital and the City of Danbury met on July 27, 1989 in the forth floor lobby at 7:30 P.M. in City Hall. In attendance were committee members Eriquez and Fazio. Also in attendance were Fire Chief Tony Largarto, Ambulance Supervisor Mike Esposito, David Schlager, Director of Operations for Danbury Hospital, James Cooper of Danbury Hospital and Eric Gotshalk, Assistant Corporation Council.

It was noted at the opening of the meeting that this matter had come before the council as an add on to the July agenda with short notice and little time available to review the agreement and additional proposal prior to the expiration of the existing contract. It was also noted that council having already extended the agreement for an additional month ending July 31st may wish to persue a monthly extension while awaiting the final outcome of negotiations that are expected to bring the paramedic service into the city fire department.

Mr. Eriquez questioned the Chief as to there being any concern on the part of the fire department utilizing outside paramedic services. The chief outlined the position of current negotiations to bring the paramedic service into the department. He further stated that there is hope for the process to be complete by October.

Further discussion revolved around language changes requested by the Fire Department before approving a 6 month extension contract. These changes centered on areas of administration. (see attached agreement and proposed changes) Mr. Schlager indicated that while he saw no reason for the hospital to object to the requested language changes, he was not prepared to say yes or no at this time.

It was the opinion of the committee that these changes should be discussed by the hospital and the city with a final submission to be made to the council for its regular meeting.

It is also the opinion of the committee that since the arbitration award is due October 17, 1989 with transfer of the paramedic service to the Fire Department possible at that time it would not be appropriate for the committee to review any new proposals for this service at this time as it would not be in the cities best interest to enter a long term agreement until such time that the negotiations with the fire fighters are concluded. The council may wish to review new proposals at that time should the service not be placed in the fire department and may wish to request that the Mayor seek such proposals from any interested providers.

Mr Enriquez made a motion that the committee recommend that the Council approve the extension of the existing contract for an additional 6 months pending approval and clarification of the language changes by corporation counsel and the hospital.

It was stated the the original language had been agreed upon.

Mrs. Bourne made a motion that the report be accepted and the contract approved. Seconded by Mr. Moran. Motion carried unanimously.

There were no members of the public wishing to address the Common Council.

A motion was made at 9:12 P.M. by Mr. Moran for the meeting to be adjourned.

Respectfully submitted,


JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:


Elizabeth Crudginton
City Clerk